

**State of California
Office of Administrative Law**

In re:
Occupational Safety and Health (Cal-OSHA)
Division

Regulatory Action:

Title 08, California Code of Regulations

Adopt sections:

Amend sections: 344, 344.1, 344.2

Repeal sections:

**NOTICE OF FILING AND PRINTING OF
EMERGENCY REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2019-0717-03

**OAL Matter Type: Emergency File and Print
Only (EFP)**

This is a readoption of emergency regulations concerning adjustments to the Division of Occupational Safety and Health's (Division's) inspection and permit fees for the inspection and testing of certain tanks, pressure vessels, and boilers. Pursuant to Labor Code section 7721(e), this action must be taken as an emergency and is not subject to review and approval by the Office of Administrative Law (OAL). The Division requests that OAL file the readopted emergency regulations with the Secretary of State and ensure the printing of the regulations in the California Code of Regulations.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 8/6/2019 and will expire on 11/5/2019. The Certificate of Compliance for this action is due no later than 11/4/2019.

Date: July 29, 2019


Dale P. Mentink
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Juliann Sum, Chief
Copy: Denise M. Cardoso

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 01-2013)

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

Z-

2019-0717-03EFP

For use by Office of Administrative Law (OAL) only

2019 JUL 26 A 11:47
OFFICE OF
ADMINISTRATIVE LAW

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Industrial Relations, Division of Occupational Safety and Health

For use by Secretary of State only

ENDORSED - FILED
in the office of the Secretary of State
of the State of California

JUL 29 2019

At 1:40 PM

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Pressure Vessel Fees		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2018-1108-01 EFP and 2019-0424-01 EFP	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 344, 344.1, 344.2	
TITLE(S) 8		AMEND REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	
		<input checked="" type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input checked="" type="checkbox"/> File & Print <input checked="" type="checkbox"/> Other (Specify) Labor Code § 7721(e)	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))		<input type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> \$100 Changes Without Regulatory Effect <input checked="" type="checkbox"/> Effective other (Specify) 8/6/19	
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)		<input type="checkbox"/> Fair Political Practices Commission	
<input type="checkbox"/> Other (Specify)		<input type="checkbox"/> State Fire Marshal	
7. CONTACT PERSON Denise Cardoso		TELEPHONE NUMBER (510) 286-7348	FAX NUMBER (Optional) (510) 286-7039
		E-MAIL ADDRESS (Optional) dcardoso@dir.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

Julie A. Su, California Labor Secretary

7-23-19

For use by Office of Administrative Law (OAL) only

AUTHORIZED FOR FILING AND PRINTING

JUL 29 2019

Office of Administrative Law

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 2019-0717-03 EFP
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Division of Occupational Safety and Health			AGENCY FILE NUMBER (If any)

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SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT	
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		344, 344.1, 344.2	
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (form STD. 399) (SAM §6600) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			
7. CONTACT PERSON Denise Cardoso		TELEPHONE NUMBER 510-286-7348	FAX NUMBER (Optional) 510-286-7039
		E-MAIL ADDRESS (Optional) dcardoso@dir.ca.gov	

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For use by Office of Administrative Law (OAL) only

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE



TYPED NAME AND TITLE OF SIGNATORY

Victoria Hassid, DIR Chief Deputy Director

7/9/19

Barclays Official California Code of Regulations
Title 8. Industrial Relations
Division 1. Department of Industrial Relations
Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA)
Subchapter 2. Regulations of the Division of Occupational Safety and Health
Article 5. Boiler and Tank Permit and Inspection Fee Schedule

§ 344. Shop, Field and Resale Inspection Program Fees.

(a) A fee of \$150.00 per hour shall be charged for all work performed in connection with all shop, field erection and resale inspections of all tanks, boilers, parts of tanks and boilers, and nuclear components and for consultation, surveys, audits, manual review and other activities required or related to the ASME code or other national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when these services are requested of the division by entities desiring these services. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(b) Whenever a person using a qualified safety engineer employed by the division to perform any of the services stated in section 344, subsection (a) fails to pay the fees required under subsection (a) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsection (a), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721, 7722 and 7728, Labor Code. Reference: Sections 7650, 7721, 7725 and 7728, Labor Code.

§ 344.1. Air Tank, Liquefied Petroleum Gas (L.P.G.) Tank, and Boiler Permit Inspection Program Fees.

(a) A fee of \$150.00 per hour shall be charged for all work performed in connection with all field, resale and alteration permit inspections of air tanks, liquefied petroleum gas (L.P.G.) tanks, and boilers performed by a qualified safety engineer employed by the division. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(b) A fee of \$150.00 per hour shall be charged for all work performed in connection with all follow-up inspections of any of the services stated in section 344.1, subsection (a), when applicable safety order requirements have not been complied with within 15 days of the compliance date shown on the preliminary order. Time shall be billed in quarter-hour increments, rounded up to the nearest quarter hour.

(c) No additional fees shall be assessed for follow-up inspections when safety order requirements have been complied with, and the division is notified of such compliance, within 15 days of the compliance date shown on the preliminary order.

(d) Whenever a person using a qualified safety engineer employed by the division to perform any of the services stated in section 344.1, subsections (a) and (b) fails to pay the fees required under subsections (a) and (b) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsections (a) and (b), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721, 7722 and 7728, Labor Code. Reference: Sections 7650, 7680, 7681, 7682, 7683, 7721 and 7728, Labor Code.

§ 344.2. Air Tank, Liquefied Petroleum Gas (L.P.G.) Tank, and Boiler Permit to Operate Program Fees.

(a) Permits to operate shall be issued by the division or on behalf of the division.

(b) A fee of \$45.00 shall be charged to cover the cost of processing each permit to operate. The division shall issue a permit to operate upon receipt of the \$45.00 processing fee, and the inspection report required by Labor Code section 7654 finding the air tank, liquefied petroleum gas (L.P.G.) tank, or boiler subject to the inspection to be in a safe condition for operation.

(c) Whenever a person owning or having the custody, management or operation of an air tank, liquefied petroleum gas (L.P.G.) tank, or boiler fails to pay the fees required under subsection (b) within 60 days from the date on the fees invoice, said person shall pay, in addition to the fees required under subsection (b), a penalty fee equal to 100 percent of the fee.

Note: Authority cited: Sections 60.5, 6308, 7721 and 7728, Labor Code. Reference: Sections 7650, 7654, 7680, 7683, 7721 and 7728, Labor Code.